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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/599,637  | 10/04/2006  | Won-Seok Yoo         | 56587.33            | 2098             |
| 27128 7590 03/03/2009<br>HUSCH BLACKWELL SANDERS LLP<br>720 OLIVE STREET<br>SUITE 2400<br>ST. LOUIS, MO 63101 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| JONES, MARCUS D   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3714  |             |                      |                     |                  |
| NOTIFICATION DATE   |             | DELIVERY MODE        |                     |                  |
| 03/03/2009  |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

**Office Action Summary****Application No.**

10/599,637

**Applicant(s)**

YOO, WON-SEOK

**Examiner**

MARCUS D. JONES

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 January 2009 has been entered.

Claims 1-4, 8-17, 19 and 20 are currently pending.

Claims 5-7, 18, 21 and 22 are cancelled.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**3. Claims 1-4, 8-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordero et al. (US PGPub 2001/0044339), and further in view of Pachnis et al. (2007/0218980).**

In reference to claims 1, 12 and 20, Cordero discloses: A system and method for proving a game service to a plurality of users, an online game service system comprising: a user behavior pattern database, the user behavior pattern database storing at least one behavior pattern classification reference for classifying user behavior patterns and game behavior pattern information of the users (pg 6, par 55, *profile for each player*); a channel database, the channel database storing random channels for at least one game and data on game rooms generated at the random channels (pg 5, par 44, *lobby*); a channel server, the channel server selecting one of the random channels in the channel database according to the respective users' game behavior pattern information stored in the user behavior pattern database, the channel server providing data on game rooms generated in the selected random channel, and the channel server controlling access to a selected game room when the user selects the game room (pg 5-6, par 47-51, *matchmaker server*). Cordero does disclose a game server (pg 4, par 35), but does not specifically disclose that the server monitors users playing of the game. Pachnis teaches that the system records and monitors game behavior pattern (pg 11, par 116).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Cordero in view of Pachnis to include the user's behavior pattern as a part of the user profile.

In reference to claims 2 and 13, Cordero and Pachnis disclose the invention substantially as claimed. Pachnis further teaches based on certain behavior patterns that a user may be labeled as "fraudulent." (pg 11, par 116).

In reference to claims 3 and 14, Cordero and Pachnis disclose the invention substantially as claimed. Pachnis further teaches that a gamer may only be allows to joint entertainment-only sessions (pg 11, par 117).

In reference to claims 4 and 19, Cordero and Pachnis disclose the invention substantially as claimed. Cordero further discloses that the game may be a card game (pg 2, par 25). Pachnis further teaches that gamer profiling is based on both game and betting behavior (pg 10, par 100).

In reference to claim 8, Cordero and Pachnis disclose the invention substantially as claimed. Cordero further discloses that the matchmaker server may have stored in a database a list of available game servers (pg 5-6, par 48).

In reference to claim 9, Cordero and Pachnis disclose the invention substantially as claimed. Cordero further discloses a display device that is capable of displaying the available game servers (pg 3, par 30). Cordero also discloses the matchmaker server and matchmaker component to providing game matchmaking functionality to a player (pg 5, par 47).

In reference to claim 10, Cordero further discloses a channel determination module, the channel determination module determining a random channel that the corresponding user will enter from among the random channels in the channel database based on the users' behavior pattern classification determined by the user behavior

pattern determination module (pg 5-6, par 47-51, *matchmaker server*). Pachnis further teaches a user behavior pattern determination module, the user behavior pattern determination module determining a game behaviors patter classification of the user having selected the random channel by referring to the user behavior pattern database (pg 11, par 116, *record and monitor game behavior pattern*).

In reference to claim 11, Cordero and Pachnis disclose the invention substantially as claimed. Pachnis further teaches that the system records and monitors game behavior pattern, as discussed in reference to claims 1 and 12 above. Pachnis further teaches that the system comprises a game server with an internal processor (pg 7, par 71)

In reference to claim 15, Cordero and Pachnis disclose the invention substantially as claimed except that an empty random channel is selected when no other random channels are provided. However, it would have been obvious to a person having ordinary skill in the art at the time of the invention to create a room for players that have not been matched to play together.

In reference to claims 16 and 17, Cordero and Pachnis disclose the invention substantially as claimed. Pachnis further teaches that users may be matched by betting behavior in addition to game play behavior (pg 10, par 100).

### ***Response to Arguments***

1. Applicant's amendments to address the 35 U.S.C. 112, second paragraph rejection is noted. The 35 U.S.C 112 rejection is hereby withdrawn.

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/  
Examiner, Art Unit 3714

/John M Hotaling II/  
Supervisory Patent Examiner, Art  
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